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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,814	11/13/2001	Alistair William McLean	01263.001726.	6182
5514 7590 10/07/2009 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER NGUYEN, LE V				
ART UNIT 2174		PAPER NUMBER		
MAIL DATE 10/07/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/986,814

Applicant(s)

MCLEAN ET AL.

Examiner

LE NGUYEN

Art Unit

2174

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED ~~21 August 2009~~ FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/DENNIS-DOON CHOW/
Supervisory Patent Examiner, Art Unit 2174

Continuation of 11, does NOT place the application in condition for allowance because:

Applicant's arguments filed 8/21/2009 have been fully considered but they are not persuasive. Applicant argued: the applied art is not seen to disclose selectively hiding a user interface component corresponding to a filter further selected based on a second user instruction from a plurality of selected desired filters, wherein the desired filters are selected and loaded from a library based on a first user instruction in order to form an application, are arranged in a sequence based on the first user instruction, and are used for filtering a data object based on the sequence.

The Office disagrees for the following reasons: Kodosky teaches visual programming wherein nodes/filters selected from a library of nodes/filters are connected sequentially per user instruction via the UI to form a program for execution as displayed in the diagram (col. 9, lines 32-43; col. 16, line 61 through col. 17, line 41; col. 23, lines 3-19). Execution is based on the diagram formed to control measurement and instrumentation of actual hardware devices (figs. 7 and 22). While the teaching extracted from McKaskle was for the feature of inputting data to desired filters via a UI (figs. 19(A-H); col. 5, lines 2-3; via controls, e.g. the controls and indicators ("WAVE" indicator) of figs. 19G and 19H), the feature of hiding controls or indicators when they are in use is well known in the art for many years so that users may, for example, selectively hide part of the UI while the application is running through minimizing buttons, pull-down menus, drop down menus, etc., or, moreover, selectively hide part of the UI such as the part that corresponds to a filter in order to provide uncluttered working area given that the screen has limited real estate, especially since "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results" and that "[c]ommon sense teaches... that familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle" (KSR, 127 S. Ct. 1727, 1739, 1742, 82 USPQ2d 1385, 1395, 1397 (2007)). Furthermore, the Office notes that applicant did not contest the factual assertion set forth under Official Notice in paragraphs nine and ten of section four of the Office Action of 9/18/08; however, the examiner has provide evidence to support such factual assertions (see col. 32, lines 19-34 of Dye et al. (US 6,102,965) for show/hide toolbar UI feature, col. 3, lines 46-50 of Kodosky (US 7,134,086 B2) for teachings of graphical programming environments that provide various types of UI elements such as tool bars, col. 3, lines 53-56 of Kawachi et al. (US 6,690,981 B1) for teachings of tool bars as "standard user interface elements", par [0001] of Black et al. (US 20090199097 A1) for teachings of context sensitive help versus standard help that requires a user to search for a specific help topic, par [0027] of Stephenson et al. (US 20090183072 A1) for teachings of known help authoring tools, col. 1, lines 39-40 of Patil et al. (US 6,489,976 B1) for teachings of a print icon as a common icon).